

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

v.

C J MERRITT; RONALD R.  
CARPENTER, Clerk, Washington State  
Supreme Court; SUSAN L. CARLSON,  
Deputy Clerk, Washington State Supreme  
Court,

Defendants.

CASE NO. C07-5482BHS

ORDER OVERRULING  
PLAINTIFF'S OBJECTIONS  
TO PROTECTIVE ORDER  
AND STAY OF DISCOVERY

This matter comes before the Court on Plaintiff's Objections to Protective Order and Stay of Discovery (Dkt. 45). The Court has considered the objections and the remainder of the file and hereby overrules the objections for the reasons stated herein.

**I. BACKGROUND AND DISCUSSION**

Plaintiff objects to entry of the Order Granting Defendants' Motion for Protective Order and to Stay Discovery (Dkt. 40) on the grounds that his untimely response and motion for extension of time to respond were not considered before the order was entered.

On May 1, 2008, Defendants moved for entry of a protective order and a stay of discovery. Dkt. 35. Defendants requested that deposition notices to the following nonparties be quashed: King County Superior Court Judge Richard McDermott, U.S.

1 District Judge John Coughenour, U.S. District Court Magistrate James Donohue, King  
2 County Prosecuting Attorney Dan Satterburg, two King County Deputy Prosecutors, the  
3 Federal Bureau of Investigation, and the Washington Department of Corrections. *Id.* at 1-  
4 2. Plaintiff did not timely respond to the motion.

5 On May 27, 2008, United States Magistrate Judge Karen L. Strombom granted  
6 Defendants' motion. Dkt. 40. Judge Strombom noted that Plaintiff's failure to respond  
7 constituted an admission under Local Rule CR 7(b)(2). *Id.* at 1. Judge Strombom also  
8 correctly concluded that the depositions should be quashed because Plaintiff offered no  
9 evidence suggesting that depositions of these witnesses would relate to his claims in this  
10 matter. *See id.* at 3. Plaintiff's untimely response similarly fails to demonstrate the  
11 relevance of such depositions. *See* Dkt. 44-2.


12 Judge Strombom also properly concluded that there is good cause to stay discovery  
13 in this matter because Defendants anticipated filing motions regarding Defendants'  
14 alleged immunity. *See* Dkt. 40 at 3. A motion seeking summary judgment on the basis of  
15 qualified immunity and on other grounds is currently pending. *See* Dkt. 41. While  
16 Plaintiff disputes whether Defendants are entitled to immunity, he does not demonstrate  
17 that discovery should proceed before this issue is decided. *See* Dkt. 44-2.

## 18 II. ORDER

19 Therefore, it is hereby

20 **ORDERED** that Plaintiff's Objections to Protective Order and Stay of Discovery  
21 (Dkt. 45) are **OVERRULED**.

22 DATED this 17th day of June, 2008.

23  
24   
25 BENJAMIN H. SETTLE  
26 United States District Judge  
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